

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

- against -

MEMORANDUM AND ORDER

CARLOS ESTEVEZ GONZALEZ

19 Cr. 123-2 (NRB)

Defendant.

-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE


Relying solely on an affidavit of counsel, defendant has filed a third application for bail broadly citing the spread of COVID-19 and asserting without the benefit of any medical records, from either before or during his incarceration, that he is an asthmatic and thus more vulnerable to the virus. This application, as presented, is clearly insufficient to overcome the statutory presumption against release and the very substantial reasons that bail was denied twice before by the undersigned. The crime charged involves not only narcotics, but also a shooting on a public street near an outdoor restaurant. Also, the Government has proffered that it has additional evidence to support the Court's previous finding that the defendant presents a danger to the community if released. It is also beyond dispute that the defendant would pose a significant risk of flight if released. He is not a U.S. citizen and is deportable if convicted. Moreover, he faces a mandatory

minimum sentence of 20 years if convicted. In short, defendant has not approached rebutting the presumption against his release.

This application has been addressed by Memorandum and Order given the extent of the written submissions, the Court's prior experience with the issue of bail for this defendant, and the extremely limited access to in-court proceedings under the current circumstances.

SO ORDERED.

Dated: New York, New York
March 25, 2020



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE